

REMARKS

Claims 1-29 are pending. Claims 1-29 are rejected.

Claim 20 is objected to due to noted informalities. Claim 20 has been amended. It is respectfully requested that the objection be withdrawn with respect to claim 20.

Claim 11 stands rejected to a lack of an antecedent basis. Claim 11 has been amended. It is respectfully requested that the rejection be withdrawn with respect to claim 11.

Claims 1-29 stand rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent Publication No. 2004/0045030 A1 ("Reynolds") in view of a document referred to as RadioShack. Applicants respectfully traverse the rejection for at least the reasons as set forth below.

Claim 1 recites "wherein the first communications device uses a TV channel guide look-and-feel user interface to display private, non-broadcast channels and public broadcast channels." The Office Action indicates that RadioShack teaches a "TV channel guide look-and-feel user interface to display private, non-broadcast channels and public broadcast channels." However, RadioShack at the Figure on page 2 merely shows a video camera connected to the Modulator which, in turn, is connected to an A-B switch that also receives a cable signal or an antenna signal. The output of the A-B switch is then split by the splitter to four televisions.

It is clear from the Figure on page 2 that the cable outlet (assume that the cable outlet is connected instead of the antenna) is output by the A-B switch or the video camera signal from the Modulator is output by the A-B switch, but never both at the same time. It is an A-B switch so the switch only outputs one or the other. So the description by the Examiner is not supported by the Figure.

The Examiner contends that the Modulator modulates the input signal (public television) with a private signal (VCR, game console, etc.), which is then input by the television. Applicants respectfully note that the Modulator is merely the box on the lower, right corner of the Figure at page 2. It merely modulates the video camera signal so that it can be viewed on channel 3 or channel 4 (according to the Examiner's discussion?). The Modulator does not "mix" the input

signal (public television) and the video camera signal. On the contrary, the A-B switch is used to isolate the video camera signal from the cable signal. See Note on second column of Page 3 of RadioShack (“Note: To use the modulator with a cable/antenna system, use the supplied high isolation A-B switch to eliminate possible interference with incoming cable/antenna signals.”)

Thus, the entire functionality as discussed by the Examiner appears to be incorrect. And the conclusion “when the user utilizes the television, the non-designated channels display any information associated with the channel from the input signal, and the designated channel displays the private information” is incorrect. In fact, according to the setup illustrated in the Figure at page 2, the televisions receive input from the A-B Switch Output, which can only output ONE signal: either the antenna/cable signal or the video camera signal. If the A-B switch output is switched to the video camera signal, then the televisions are only receiving the video camera signal; however, if the A-B switch output is switched to the cable/antenna signal, then the televisions receive the cable/antenna signal. However, the notion that the television can show both is incorrect in so much as it can only show one or the other.

In addition, *for the sake of argument only*, even if the Examiner’s discussion was correct with respect to RadioShack, Applicants do not believe that RadioShack or Reynolds, as asserted, teaches “a TV channel guide look-and-feel user interface” and, in particular, “a TV channel guide look-and-feel user interface to display private, non-broadcast channels and public broadcast channels” as set forth in claim 1.

With respect to the taking of Official Notice, Applicants must respectfully challenge such undocumented assertions. It is believed that the Examiner is improperly considering individual elements *in a vacuum* instead of considering the elements *in the context* of the claimed invention as a whole.

For example, claim 1 recites “sending ... the adapted media content with a file associated with the media content to the first communications device” and “wherein the file comprises information as to where the media content of a highest quality level resides outside of the first

private home and the second private home” and “wherein the adapted media content is set to a first quality level that is lower than a second quality level that is supported by the first communications device”. Applicants respectfully challenge the assertion of Official Notice with respect to any of the elements recited in claim 1.

With respect to sending the adapted media content with a file associated with the media content, the Examiner takes Official Notice. Applicants respectfully challenge the assertion of Official Notice. The Office Action at page 5 notes that “having a file with metadata that has information on media of highest quality was well known in the art.” Apparently, the Examiner has in mind that “a file that includes information on where the original file is located allows a content publisher to receive full credit for the work. Having this file staying with the media content ... ensures that the original publisher maintains credit for the work. Further, this allows copyright protection to be maintained.”

Copyright notices attached to works that give a content publisher full credit does not indicate *where* the media content of a highest quality level resides. A copyright notice merely tells *who* has the right to copy, it does not indicate *where* the media content of a highest quality level resides.

The Office Action at page 6 also explains that content could be downloaded as opposed to streamed. However, according to the Examiner’s assertions, why stream the adapted media if you are going to download the file? It seems like an awful waste of bandwidth. Why stream the media just to get an alleged metafile? Why not just download the location information by itself?

It appears that the Examiner is drawing from personal knowledge or is impermissibly taking notice of *technical facts* about metafiles, streaming, downloading, bandwidths and file quality levels as set forth in the Office Action at pages 5-6.

Applicants respectfully note that M.P.E.P. § 2144.03 states that “assertions of *technical facts* in the areas of *esoteric technology* or specific knowledge of the prior art must always be

supported by citation to some reference work recognized as standard in the pertinent art.”
M.P.E.P. § 2144.03 (underlining in original).

Thus, according to M.P.E.P. § 2144.03, it is not appropriate for the Examiner to assert that technical facts are well known or obvious in areas of an esoteric technology such as subject matter relating to metafiles, streaming, bandwidths, downloading and media quality levels.

Claim 1 recites “a first communications device disposed in the first private home” and “the second communications device being disposed in the second private home.” However, the Examiner merely considers these elements *in a vacuum* instead of considering the elements *in the context* of the claimed invention as a whole. In taking Official Notice, the Examiner narrowly states that “a person of ordinary skill in the art would have known how to have the locations being private homes and the server being external to the homes.” However, claim 1 does not merely recite that the first communications device is disposed in the first private home and that the second communications device is disposed in the second private home. The second communications device, according to claim 1, is adapting media content based on the updated device profile of the first communications device and sending the adapted media content with a file associated with the media content to the first communications device. The first communications device uses a TV channel guide look-and-feel user interface to display non-broadcast channels and broadcast channels.

In the context of at least these addition limitations that describe the first communications device and the second communications device, it would not have been obvious to one of ordinary skill in the art to have disposed the first and second communications devices, as recited in claim 1, into first and second private homes.

In the *prima facie* case of obviousness, the Examiner relies heavily on FIG. 4A of Reynolds. FIG. 4A illustrates a data compression and delivery system 400 that is resident at a server node. Note that, in FIG. 4A, the client does not do processing; instead, the processor of the server node performs the processing using a neural network process 440. Thus, the neural network process 440

that performs the processing would not be located in a private home since it is located, according to Reynolds, at a server node which is on the other side of the Internet from the players that consume the media from the server node. Accordingly, in view of the teachings of Reynolds, one of ordinary skill in the art would not locate the server node inside a private home. In fact, *for the sake of argument only*, the Examiner indicates that it is “known” that servers are external to homes. Office Action at page 5. Thus, the server node, in Reynolds, that has the neural network process 440 would not be located in a private home, but since it is a server node, according to the Office Action at page 5, the server node would be located external to the home.

Thus, with respect to the first and second communications devices as set forth with further limitations in claim 1, Official Notice should not be taken with respect to the first and second communications devices being disposed in private homes.

Accordingly, in order to maintain the rejection, Applicants respectfully request that the Examiner produce references in support of the Examiner’s contention or, if the Examiner is relying upon personal knowledge to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

Again, the issue is not to find references that illustrate a first communication device disposed in a first private home or a second communication device disposed in a second private home. Such a search ignores the rest of the recited elements as set forth in claim 1, which must be considered as a whole. Applicants respectfully request that the search for the first communication device and the second communication device in the prior art include devices as describe with further limitation as set forth in claim 1, which again must be considered as a whole.

For at least the above reasons, it is respectfully submitted that the obviousness rejection cannot be maintained with respect to claim 1 and its rejected dependent claims (i.e., claims 2-16).

It is respectfully requested that the rejection be withdrawn with respect to claims 1-16.

Claim 2 recites “wherein the first communications device is coupled to the network via a satellite headend, and wherein the second communications device is coupled to the network via a DSL headend.” The Examiner takes Official Notice that satellite headends and DSL headends are well known in the art. This is another example where the Examiner has considered elements such as a satellite headend and a DSL headend *in a vacuum* instead of *in the context* of the other elements recited, not only in claim 2, but also in claim 1, which must be considered as a whole. Respectfully, if Official Notice can be taken by just isolating an element and considering it in a vacuum, then there is nothing that cannot be Officially Noticed. It is not well known or obvious or worthy of taking Official Notice that the first communications device, as recited with additional limitations as set forth in claim 1, is coupled to the network via a satellite headend and that the second communications device, as recited with additional limitations as set forth in claim 1, is coupled to the network via a DSL headend.

Accordingly, in order to maintain the rejection, Applicants respectfully request that the Examiner produce references in support of the Examiner’s contention or, if the Examiner is relying upon personal knowledge to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

Again, the issue is not to find references that illustrate a DSL headend or a satellite headend. Such a search ignores the rest of the recited elements as set forth in claim 1, which must be considered as a whole. Applicants respectfully request that the search for the DSL headend and the satellite headend in the prior art include the first and second communications devices as describe with further limitation as set forth in claim 1, which again must be considered as a whole.

Claim 5 recites “wherein at least one of the first communications device and the second communications device is adapted to provide a distributed networking capability, an archival functionality, a temporary storage capability, a storage manager and a digital rights manager”.

With respect to the digital rights manager, the Examiner takes Official Notice that digital rights managers are well known in the art. This is another example where the Examiner has considered elements such as a digital rights manager *in a vacuum* instead of *in the context* of the other elements recited, not only in claim 5, but also in claim 1, which must be considered as a whole.

It is not well known or obvious or worthy of Official Notice that, for example, the first communications device (that is disposed in a private home, that updates a device profile relating to the first communications device, that automatically sends the updated device profile to the second communications device, and that uses a TV channel guide look-and-feel user interface to display non-broadcast channels and broadcast channels as set forth in claim 1) would be adapted to provide a digital rights manager. A similar argument can be made with respect to the second communications device as set forth with further limitations in claim 1.

Accordingly, in order to maintain the rejection, Applicants respectfully request that the Examiner produce references in support of the Examiner's contention or, if the Examiner is relying upon personal knowledge to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

Again, the issue is not to find references that illustrate digital rights managers. Such a search ignores the rest of the recited elements as set forth in claim 1, which must be considered as a whole. Applicants respectfully request that the search for the digital rights managers in the prior art be performed with respect to the first or second communications device as described with further limitations as set forth in claim 1, which again must be considered as a whole.

Claim 11 recites "wherein the first communications device uses the TV channel guide look-and-feel user interface to display the first private, non-broadcast channel, the second private, non-broadcast channel, the third, non-broadcast channel and the public broadcast channels." As noted above with respect to claim 1, Reynolds and Radioshack, as asserted, do not

teach, for example, a “TV channel guide look-and-feel user interface to display the first private, non-broadcast channel, the second private, non-broadcast channel, the third, non-broadcast channel and the public broadcast channels.”

In addition, claim 11 recites “wherein the second communications device sends, in a first private, non-broadcast channel, personal pictures, wherein the second communications device sends, in a second private, non-broadcast channel, personal videos, wherein the second communications device sends, in a third private, non-broadcast channel, personal music”. With respect to the digital rights manager, the Examiner takes Official Notice that personal music and personal pictures are well known in the art. This is another example where the Examiner has considered elements such as personal music and personal pictures *in a vacuum* instead of *in the context* of the other elements recited, not only in claim 11, but also in claim 1, which must be considered as a whole.

It is not well known or obvious or worthy of Official Notice that, for example, the second communications device (that is disposed in a private home, that receives the updated device profile relating to the first communications device, that adapts media content based upon the updated device profile of the first communications device and sends the adapted media content with a file associated with the media content to the first communications device as set forth in claim 1) would send personal pictures in a first channel, personal videos in a second channel and personal music in a third channel.

Accordingly, in order to maintain the rejection, Applicants respectfully request that the Examiner produce references in support of the Examiner’s contention or, if the Examiner is relying upon personal knowledge to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

Again, the issue is not to find references that illustrate personal pictures or personal music. Such a search ignores the rest of the recited elements as set forth in claim 1, which must be

considered as a whole. Applicants respectfully request that the search for personal pictures in one channel or personal music in another channel in the prior art be performed with respect to the second communications device as described with further limitations as set forth in claim 1, which again must be considered as a whole.

Claim 13 recites “wherein the second communications device creates private media channels relating to particular content residing in the second communications device, and wherein the second communications device pushes the private media channels from the second private home to authorized devices in the media exchange network”.

In the Office Action at page 13, the Examiner takes Official Notice that streaming content over networks in a manner similar to a radio or television broadcast was well known in the art. For instance, the Examiner states that internet radio stations already existed. The Examiner also notes that it would have been well known to create permissions for content and send the content only to those who have the authorization to access the content.

Applicants respectfully submit that the Examiner appears to be relying upon *personal knowledge*. For example, at the time the present invention was made, the Examiner alleges that internet radio stations already existed and that streaming content over networks in a manner similar to a radio broadcast already was well known.

Accordingly, in order to maintain the rejection, Applicants respectfully request that the Examiner produce references in support of the Examiner’s contention or, if the Examiner is relying upon *personal knowledge* to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

Applicants respectfully challenge all statements of what is allegedly well known or what is worthy of being taken as Official Notice. In this case, the Examiner merely states, without any documentary evidence, that it is well known to create private media channels relating to

particular content residing in the second communications device and for the second communications device to push media channels to authorized devices. However, this looks at the issue too narrowly since the Examiner is not considering that the device creating private media channels and pushing media channels to authorized devices is the second communications device which is described with limitations as set forth in claim 1.

It is not well known or obvious or worthy of Official Notice that, for example, the second communications device (that is disposed in a private home, that receives the updated device profile relating to the first communications device, that adapts media content based upon the updated device profile of the first communications device and sends the adapted media content with a file associated with the media content to the first communications device as set forth in claim 1) would create private media channels relating to particular content residing in the second communications device and would push the private media channels from the second private home to authorized devices in the media exchange network.

Accordingly, in order to maintain the rejection, Applicants respectfully request that the Examiner produce references in support of the Examiner's contention or, if the Examiner is relying upon personal knowledge to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

Again, the issue is not to find references that illustrate private media channels or authorized devices, for example. Such a search ignores the rest of the recited elements as set forth in claims 13 and 1, which must be considered as a whole. Applicants respectfully request that the search for elements as set forth in claim 13 in the prior art be performed with respect to the second communications device as described with further limitations as set forth in claim 1, which again must be considered as a whole.

The same or similar arguments made with respect to claims 1-16 are made, if applicable,

with respect to claims 17-20.

In addition, claim 17 recites a set top box system. It is true that Reynolds teaches a set top box. However, the set top box in Reynolds “enables an analog television set to receive and decode DTV broadcasts. DTV set-top boxes are sometimes called *receivers*.” See paragraph [0110] in Reynolds. The set-top box in Reynolds does not contain the data compression and delivery system 400 in FIG. 4a of Reynolds. The set-top box in Reynolds and the data compression delivery system 400 in FIG. 4a of Reynolds are on opposite sites of the Internet. The set-top box merely *receives* the media from the data compression delivery system 400 (which includes the neural network process 440) that is transported by the Internet. Thus, Reynolds does not teach the set-top box system as set forth in claim 17. In addition, Reynolds does not teach, for example, “wherein the non-broadcast channels comprise non-broadcast channels sent by other set-top box systems.”

For at least the above reasons, it is respectfully submitted that the obviousness rejection cannot be maintained with respect to claim 17 and its rejected dependent claims (i.e., claims 18-20).

It is respectfully requested that the rejection be withdrawn with respect to claims 17-20.

Claim 20 used to recite “wherein the set-top box system is replaced with a communications device” The Examiner took Official Notice that it is well known to replace devices, and install the new device in a network. Applicants respectfully disagree and challenge the taking of Official Notice since the Examiner has considered the replacement as an abstraction and in a vacuum instead of in the context of the other elements as set forth in claims 20 and 17, which must be considered as a whole. For example, more than a device is being replaced, claims 20 and 17 indicate that the set-top box system as set forth with limitations in claims 20 and 17 is replaced. Furthermore, the replacement is not merely a device, but a communications device as set forth with limitations in claim 20 in the context of the claimed invention as set forth in claims 20 and 17, which must be considered as a whole.

Accordingly, in order to maintain the rejection, Applicants respectfully request that the Examiner produce references in support of the Examiner's contention or, if the Examiner is relying upon personal knowledge to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

However, as requested by the Examiner with respect to the objection of claim 20, Applicants removed reference to the set-top box system being replaced, thereby making the entire matter, relating Official Notice and what is allegedly well known, a moot point.

The same or similar arguments made with respect to claims 1-16 are made, if applicable, with respect to claim 21.

For at least the above reasons, it is respectfully submitted that the obviousness rejection cannot be maintained with respect to claim 21.

It is respectfully requested that the rejection be withdrawn with respect to claim 21.

The same or similar arguments made with respect to claims 1-16 are made, if applicable, with respect to claims 23-26.

For at least the above reasons, it is respectfully submitted that the obviousness rejection cannot be maintained with respect to claim 23 and its rejected dependent claims (i.e., claims 24-26).

It is respectfully requested that the rejection be withdrawn with respect to claims 23-26.

Claim 24 recites "wherein the media content of the highest quality level resides in the network, but external to the first home and the second home". With respect to claim 24, the Examiner takes Official Notice that it would have been well known to have the original file within the same network, but in a separate location. This is another example where the Examiner has considered elements such as media content residing in a network, but external to the homes *in a*

vacuum instead of *in the context* of the other elements recited, not only in claim 24, but also in claim 22, which must be considered as a whole.

Thus, for example, it might not be obvious or well known or worthy of taking Official Notice, in the context of a home-to-home communication between the first and second communications devices as set forth in claim 22, for media content of the highest quality level to reside in the network, but external to the first and second homes. Additional limitations as set forth in claim 22 provide context to the elements as set forth in claim 24 must be considered as a whole and not in a vacuum.

Accordingly, in order to maintain the rejection, Applicants respectfully request that the Examiner produce references in support of the Examiner's contention or, if the Examiner is relying upon personal knowledge to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

Claim 25 recites "wherein the first communications device creates private media channels accessible only by the second communications device, the private media channels relating to particular content residing in the second communications device". The Examiner alleges that it would have been well known to have the channel relating to content residing in the second communication device. The Office Action goes on to state that "[t]he suggestion/motivation for doing so would have been that utilizing networks, derives existing on one system can be mapped as drives on a second system, where the drive is accessed by the user in a manner similar to a local drive. Thus, a private channel, where a storage device in the second location is mapped to a drive in the first location, would be able to access the files in the drive as if the files existed in the first location." Office Action at page 17.

It appears that the Examiner is drawing from personal knowledge or is impermissibly taking notice of *technical facts* relating to mapping drives as set forth in the Office Action at page 17.

Applicants respectfully note that M.P.E.P. § 2144.03 states that “assertions of *technical facts* in the areas of *esoteric technology* or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art.” M.P.E.P. § 2144.03 (underlining in original).

Thus, according to M.P.E.P. § 2144.03, it is not appropriate for the Examiner to assert that technical facts are well known or obvious in areas of an esoteric technology such as mapping drives.

Accordingly, in order to maintain the rejection, Applicants respectfully request that the Examiner produce references in support of the Examiner’s contention or, if the Examiner is relying upon personal knowledge to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

The same or similar arguments made with respect to claims 1-16 are made, if applicable, with respect to claims 27-29.

For at least the above reasons, it is respectfully submitted that the obviousness rejection cannot be maintained with respect to claim 27 and its rejected dependent claims (i.e., claims 28-29).

It is respectfully requested that the rejection be withdrawn with respect to claims 27-29.

Claim 29 recites “replacing the communications device with a second communications device; storing, in the second communications device, a revisable device profile of the second communications device, the second communications device being operatively coupled to the network; automatically sending the revisable device profile of the second communications device to the network; and receiving, from the network, a file associated with the media content and the media content that has been adapted based upon the sent revisable device profile of the second communications device.”

The Examiner took Official Notice that it is well known to replace devices, and install the new device in a network. Applicants respectfully disagree and challenge the taking of Official Notice since the Examiner has considered the replacement and installation as an abstraction and in a vacuum instead of in the context of the other elements as set forth in claims 29 and 27, which must be considered as a whole. For example, more than a device is being replaced, claims 29 and 27 indicate that the communications device as set forth with limitations in claims 29 and 27 is replaced. Furthermore, the replacement is not merely a device, but a second communications device as set forth with limitations in claim 29 in the context of the claimed invention as set forth in claims 29 and 27, which must be considered as a whole.

Furthermore, by summarizing the recited elements as set forth in claim 29 as merely “replacing a device and installing a new device,” the Examiner has impermissibly distilled the claim into merely the “gist” of the claim. See M.P.E.P. § 2141.02(II) (“Distilling an invention down to the “gist” or “thrust” of an invention disregards the requirement of analyzing the subject matter ‘as a whole.’”)

Accordingly, in order to maintain the rejection, Applicants respectfully request that the Examiner produce references in support of the Examiner’s contention or, if the Examiner is relying upon personal knowledge to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

Applicants do not necessarily agree or disagree with the Examiner’s characterization of the documents made of record, either alone or in combination, or the Examiner’s characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

U.S. Application No. 10/675,377, filed September 30, 2003
Attorney Docket No. 14970US02
Amendment dated March 15, 2010
In Response to Office Action mailed October 14, 2009

Applicants respectfully reserve the right to pursue, without prejudice, subject matter that has been withdrawn, amended and/or cancelled in a continuing and/or related application.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: March 15, 2010

Respectfully submitted,

/Michael T. Cruz/
Michael T. Cruz
Reg. No. 44,636

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100